



THE CITY OF NEW YORK
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April 10, 2023

VIA ECF

Honorable Eric N. Vitaliano
United States District Judge
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

Re: Kociubinski v. NYC Health and Hospital Corp.,
22 Civ. 02865 (ENV) (CLP)

Dear Judge Vitaliano:

I am the Assistant Corporation Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, assigned to represent defendant New York City Health and Hospitals Corporation (“H+H”) in the above referenced case. I write, pursuant to Your Honor’s Individual Motion Practice and Rule I(H), to request an extension of the deadlines set forth in the current briefing schedule for defendant’s motion to dismiss the complaint in part. See ECF Dkt. No. 24 and Dkt. Order, dated February 1, 2023. This is defendant’s second request for an extension of time. Defendant’s first request was granted. See Dkt. Order, dated February 1, 2023. Plaintiff’s counsel consents to this request.

On March 23, 2023, the parties attended a settlement conference with Magistrate Judge Pollak. At that time, it was agreed that the settlement conference would be adjourned to allow discussions to continue and defendant time to consider plaintiffs’ submissions. See Minute Entry, dated March 23, 2023. The next settlement conference is scheduled for May 25, 2023. See Minute Entry, dated March 23, 2023. An extension of time is being sought so that the parties may continue settlement discussions and attend the next settlement conference prior to engaging in motion practice. In light of this, the parties ask that the Court allow the parties to continue their participation in the settlement conference prior to proceeding with motion practice.

Given the foregoing, if the Court is agreeable, defendant seeks to have the

briefing schedule deadlines extended as follows:

- Extending defendant's time to file its motion to dismiss in part from April 13, 2023, to June 15, 2023;
- Extending plaintiffs' time to file opposition from May 4, 2023, to July 6, 2023; and
- Extending defendant's time to file a reply from before May 18, 2023, to July 20, 2023.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Kerrin A. Bowers

Assistant Corporation Counsel

cc: Counsel of Record (via ECF)